

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOTHEBY'S, INC.,

Plaintiff,

- against -

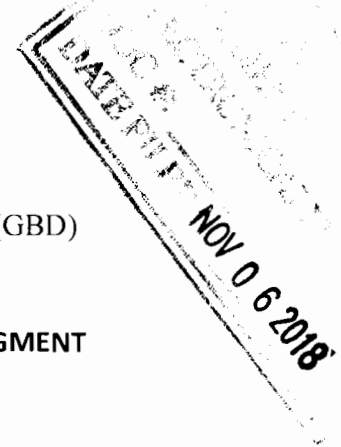
LIONEL DE SAINT DONAT-POURRIÈRES,

Defendant.

ECF CASE

17-CV-00326 (GBD)

**AMENDED
ORDER & JUDGMENT**



This action having been commenced on 2017-January-17 by Plaintiff Sotheby's, Inc. ("Sotheby's") with the filing of the Complaint (ECF No. 1); and

Counsel for Defendant Lionel de Saint Donat-Pourrières ("Defendant") having withdrawn their representation following the disclosure of Defendant's expert's report conclusively finding that the painting at issue is a modern forgery; and

Sotheby's having moved for summary judgment and default judgment against Defendant on 2018-April-30 (ECF Nos. 60-64); and

Defendant having failed to appear either by counsel or *pro se*, or otherwise oppose Sotheby's motion; and

Through the pleadings, declarations and other materials submitted to this Court, Sotheby's has proven the following:

- (i) Defendant breached his contract with Sotheby's by failing to return the proceeds from the sale following Sotheby's exercise of its right to rescind the contract on 2016-October-05;
- (ii) Sotheby's refunded its purchaser the full sale price of \$842,500.00; and
- (iii) Defendant has not returned any of the proceeds of sale to Sotheby's despite due demand.

THEREFORE, THIS COURT FINDS that Defendant is:

(i) liable for breach of contract based on Defendant's failure to return the sale proceeds to Sotheby's; and

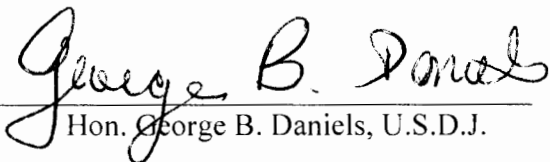
(iii) liable to Sotheby's for the attorneys' fees Sotheby's has incurred pursuant to the consignment agreement Defendant entered into with Sotheby's.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED: That Sotheby's shall have judgment against Defendant Lionel de Saint Donat-Pourrières in the amount of (a) \$842,500 with interest accruing at 9% from 2016-October-05 amounting to \$158,089.93, plus (b) the costs and expenses of Orion's forensic inspection of the painting at issue in the amount of \$13,100, plus (c) attorneys' fees in the amount of \$214,617.74, amounting in all to \$1,228,307.67;

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over the parties and the subject-matter of this litigation for the purpose of interpretation and enforcement of this default judgment.

Dated: New York, New York

November 6, 2018


Hon. George B. Daniels, U.S.D.J.